EX 4

33d CONGRESS, 1st Session. Rep. No. 123. HO. OF REPS.

CHEROKEE INDIANS.

MARCH 20, 1854.—Ordered to be printed.

Mr. GROW, from the Committee on Indian Affairs, made the following

REPORT.

The Committee on Indian Affairs, to whom was referred the memorial of Cherokee Indians residing in States east of the Mississippi river, praying the payment of money which they claim to be due them per capita under the treaty of 1835–'36, *and* 1846, *have had the same under consideration, and beg leave to submit the following report:*

On the 29th of December, 1835, a treaty was concluded at New Echota, in the State of Georgia, with the chiefs, head men, and people of the Cherokee tribe of Indians for the purchase of their lands and possessions east of the Mississippi river, and for their removal to a country west. By the first article of said treaty, the United States agreed to pay said tribe for their lands, and all claims for spoliations, the sum of $5,000,000; and by a supplemental article, concluded March 1, 1836, it was stipulated by the third article of said supplement, "that the sum of six hundred thousand dollars shall be, and the same is hereby, allowed to the Cherokee people, to include the expense of their removal and all claims of every nature and description against the government of the United States not herein otherwise expressly provided for." The treaty fund, therefore, fixed by the treaty and its supplementary articles, was $5,600,000, the mode and manner of the payment of which was fixed by the fifteenth article of the treaty in the following words: "It is expressly understood and agreed between the parties to this treaty, that, after deducting the amount which shall be actually expended for the payment for improvements, ferries, claims for spoliations, removal, subsistence, and debts and claims upon the Cherokee nation, and for the additional quantity of land and goods for the poorer class of Cherokees, and the several sums to be invested for the general national funds provided for in the several articles of this treaty, the *balance*, whatever the same may be, shall be equally divided between all the people belonging to the Cherokee nation east according to the census just completed." But by the twelfth article of said treaty, "those individuals and families of the Cherokee nation that are averse to a removal to the Cherokee country west of the Mississippi, and are desirous to become citizens of the States where they reside, and such as are qualified to take care of themselves and their property, shall be entitled to receive their due portion of all the personal benefits accruing under this treaty for their claims, improvements, and *per capita;*

so that all who remained in the States in compliance with this article were entitled, under the treaty of 1835, to their proportionate share of the balance of the treaty fund, after deducting the items of expenditure specified in the 15th article of said treaty. But in consequence of difficulties arising out of the proper construction of the treaty of 1835, but more especially in consequence of the different factions into which the Cherokee nation had become divided, a new treaty was concluded at Washington the 6th August, 1846, sanctioned by each faction and all portions of the Cherokees. By the 9th article of this treaty the United States agree to make a fair and just settlement of all moneys due to the Cherokees." * * * * * "And the balance thus found to be due shall be paid over *per capita* in equal amounts to all those individuals, heads of families, or their legal representatives, entitled to receive the same under the treaty of 1835 and the supplement of 1836, being all those Cherokees residing east at the date of said treaty and the supplement thereto." And by the 11th article of the same treaty certain questions were submitted to the Senate of the United States for its decision as umpire. In order to carry that article into effect, a joint resolution of Congress was passed, August 7, 1848, requiring the Second Comptroller and Second Auditor of the Treasury to make a fair and just statement of the claims of the Cherokee nation of Indians according to the principles established by the treaty of 1846, and that statement, together with the report of Mr. Sebastian, chairman of the Committee on Indian Affairs, is hereto appended and made part of this report.

By the statement of the accounting officers there was due the Cherokees, December 3, 1849.....	$627,603 95
To which the Senate, acting as umpire, add for certain contingent expenses improperly deducted from the treaty fund.....	96,999 42
They also find overcharged for subsistence.....	189,422 76
Making the whole amount due at that time.....	914,026 13

Of which amount the eastern Cherokees have received their proportionate *per capita;* but they now claim additional $92,625 18, which they say is justly due under the treaty of 1835. For, by the 1st article of the treaty of 1846, "It is expressly agreed that nothing in the foregoing treaty contained shall be so construed as in any manner to take away or abridge any rights or claims which the Cherokees now residing in States east of the Mississippi river had or may have under the treaty of 1835 and the supplement thereto." What, then, were their rights and claims under the treaty of 1835?—for, whatever they were, they remained unaffected by the treaty of 1846.

The amount the government agreed to pay by the treaty of 1835, and the supplement thereto, was...	$5,600,000 00
The expenditures provided for in the 15th article of said treaty that are to be deducted from this sum, the items of which are given on the third page of the Senate's report hereunto appended, amount to.	4,028,653 45

Which, being deducted from the treaty fund, leaves for *per capita* distribution among all the Cherokees east and west $1,571,346 53
But the Cherokees east have received their proportionate share of..... 914,026 13

which, deducted, would leave, for treaty of 1846, but 657,320 40 to be divided *per capita* among all the Cherokees. But as the Cherokees east, by the tenth article of the treaty of 1846, were not in any way to be affected in their rights and claims, under the treaty of 1835, by any thing contained in the treaty of 1846, they are therefore entitled to their proportionate share of the $757,320 40; to which should be added $22,212 76, the amount charged on third page of Senate report for Cherokee committee, and which was improperly deducted from the treaty fund, as it is not one of the items specified in the fifteenth article of the treaty, by which the kind of expenditure is fixed that is to be deducted from said fund. By the supplemental article to the treaty of 1835, $600,000 was agreed upon, "to include the expense of removal and all claims of every nature and description against the government of the United States not herein otherwise expressly provided for." An amount for removal and capitations, exceeding $600,000, could not therefore be deducted from the treaty fund. But the cost of removing the 18,026 Indians, being the number removed at $20 per head, amounts to the sum of..... $360,520 00
And there was charged for spoliations 264,894 09

Making in all, for removal and spoliations,..... 625,414 09

being $25,414 09 greater than the amount provided for in the treaty, and therefore improperly deducted from the treaty fund, and which amount should therefore be added to the $657,320 40, making the whole amount justly due to the Cherokees under the treaty of 1835, $704,947 16, of which the Cherokees east would be entitled to their proportionate share; the Cherokees west being concluded by the treaty of 1846. Divide this sum equally between 16,231, this being the number of Cherokees both east and west by the census of 1851, under which the $914,026 13 was paid *per capita*, and it would give each person $43 43 per head. But the western Cherokees have no further claim to *per capita*, being concluded by the treaty of 1846 and the final settlement of February 27, 1851; and the number of Cherokees east by the census aforesaid, who are entitled to *per capita*, being 2,133, at the rate of $43 43 per head, would give them in the aggregate, as their proportionate share of this amount still due, the sum of $92,625 19, with interest from December 14, 1852, to time of payment, for which your committee recommend an appropriation.

IN SENATE OF THE UNITED STATES—*August* 8, 1850.

Mr. SEBASTIAN made the following report:

The Committee on Indian Affairs, to whom was referred the memorial of the delegates of the Cherokee nation and of the "Western Cherokees," and the report of the accounting officers upon the treaty of August 6, 1846, *respectfully report:*

That in consequence of difficulties arising out of the proper construction of the treaty of 1835 between the United States and different parties and factions of the Cherokees, the new treaty of 1846 was made, sanctioned by each party of the Cherokees. Its object was to fix the true construction of the first named treaty in reference to certain controverted questions, and ascertain and adjust the rights of each party under it. This was done by the 4th article, so far as the western Cherokees or "Old Settlers" were concerned, while the basis of a settlement with the eastern Cherokees was the subject of the 3d and 9th articles of that treaty. The statement of the accounts according to the principles of the treaty of 1846, between the United States and the western and eastern Cherokees respectively, was a labor of time and research, involving an examination of every item of expenditure under the treaty of 1835, through a period extending from the year 1835 to 1846. This duty was, therefore, committed by the joint resolution of Congress of the 7th of August, 1848, to the Second Auditor and Second Comptroller of the Treasury; not only because they were the "proper accounting officers," but because one of those officers had acted as one of the commissioners of the United States in making the treaty of 1846, and was justly supposed to be well informed as to its true object and intent. The result of their labors is presented in their report of December 3, 1840, which the committee adopt and refer to as a part of their report.

By the report referred to there is a balance due the Cherokee nation of $627,603 95. There is a further sum of $96,999 31 charged to the general treaty fund, paid to the various agents of the government connected with the removal of the Indians, which they contend is an improper charge upon the sum allowed by the treaty of 1835, the supplemental article of 1836, and the additional appropriation of June 12, 1838. By the 9th article of the treaty of 1846, it was provided that "the United States agree to make a fair and just settlement of all moneys due the Cherokees, and subject to the *per capita* division under the treaty of December 29, 1835; which said settlement shall exhibit all money properly expended under said treaty, and shall embrace all sums paid for improvements, ferries, spoliations, removal and subsistence, and commutation therefor, debts and claims upon the Cherokee nation of Indians for the additional quantity of land ceded to said nation, and the several sums provided in the several articles of the treaty to be invested as the general funds of the nation; and also all sums which may be hereafter properly allowed and paid under the provisions of the treaty of 1835. The aggregate of which said several sums shall be deducted from the sum of six million six hundred and forty-seven thousand and sixty-seven dollars; and the balance thus found to be due shall be paid over *per capita* in

equal amounts to all those individuals, heads of families, or their legal representatives, entitled to receive the same under the treaty of 1835 and the supplement of 1836, being all those Cherokees residing east at the date of said treaty and the supplement thereto. This article defines the basis of settlement with the Cherokees, (except the "Old Settlers,") and is the authority under which the balance above stated is found to be due. It is contended by the Cherokees that the amount expended by the United States for agents, as specified in the report of the accounting officers, is not, in the meaning of the 9th article of the treaty of 1846, "properly expended under said treaty," and is an "improper and extravagant" charge upon the general treaty fund. In this belief the committee concur. In the 3d article of the treaty of 1846, which professes to enumerate certain charges, from which both the eastern and western Cherokees were to be relieved, the "sums paid to *any* agent of the government" are specially named. They are placed on the footing of "rents" and "reservations" under the treaty of 1835, and expenses of making that treaty, and admitted to be expenditures which should be borne by the United States. They were properly so considered. Though incidental, they were not necessary expenses incurred in the removal, &c., of the Indians. They were a part of a very complicated and expensive machinery employed in the emigration of the Indians, more with a view to the hastening of removal and preventing depredations of the Indians on the way, than to any absolute necessity. They were *necessary* only in one respect, and that was to enable the United States to perform *its* obligations under the treaty, and to discharge the high trust which it had for its own policy assumed. The amount should be, therefore, reimbursed, and added to the general balance of.....$627,603 95
96,999 42

and making in the whole.....724,603 37
the true balance due to the Cherokee nation under the principles stated in the 9th article of the treaty of 1846.

By that article it is further stipulated, that the general aggregate fund shall be charged with all sums "which may be hereafter paid under the treaty of 1835." The committee are not in possession of certain information as to what amount, or whether any claims under that treaty have been paid, since the date of the report made by the accounting officers. To cover any such amount which may have been, or may hereafter be, made, it will be necessary in the bill to subject the appropriation to that contingency.

By the 4th and 5th articles of the treaty of 1846 provision is made and a basis fixed for the settlement with that part of the Cherokee nation known as the "Old Settlers" or "Western Cherokees," being those who had emigrated under the treaties of 1817, 1819, and 1828, and were, at the date of the treaty of 1835, an organized and separate nation of Indians, whom the United States had recognised as such by the treaties of 1828 and 1833, made with them. In making the treaty of 1835 with the Cherokees east, which provided for their final and complete transfer to the country west, then occupied by the "Western Cherokees," guarantied in perpetuity by two treaties, upon considerations connected alone with them, their exclusive right to their country seems

to have been forgotten. The consequences of this unlooked-for precipitation of the entire nation upon them may be easily imagined. The western Cherokees, in all national matters, sunk into a hopeless minority; their ancient government was subverted, and a new one, imported with the emigrants coerced under the treaty of 1835, substituted in its place. It was the first instance on record of an entire nation transplanted, with its people, laws, institutions, and political constitution, to a new home, and preserving its nationality. Great discontent among the "Old Settlers" was produced by this emigration and its consequences. To allay this, and provide compensation to them for the undivided interest which the United States regarded them as owning in the country east of the Mississippi, under the equitable operation of the treaty of 1828, was the object of the treaty of 1846. To ascertain their interest, it was assumed that they constituted one-third of the entire nation, and should be entitled to an amount equal to one-third of the treaty fund, after all just charges were deducted. This fund, provided by the treaty of 1835, consisted of..... $5,600,000 00

From which are to be deducted, under the treaty of 1846, (4th article,) the sums chargeable under the 15th article of the treaty of 1835, which, according to the report of the accounting officers, will stand thus:

For improvements	$1,540,572 27	
For ferries.....	159,572 12	
For spoliations	264,894 09	
For removal and subsistence of 18,026 Indians, at $53 33⅓ per head.....	961,386 66	
Debts and claims upon the Cherokee nation, viz:		
National debts (10th article)	$18,062 06	
Claims of United States citizens (10th article)	61,073 49	
Cherokee committee (12th article)	22,212 76	
	101,348 31	
Amount allowed United States for additional quantity of land ceded.....	500,000 00	
Amount invested as general fund of the nation	500,880 00	
Making in the aggregate the sum of.....		4,028,653 45
Which, being deducted from the treaty fund of $5,600,000, leaves the residuum, contemplated by the 4th article of the treaty of 1846, of.....		1,571,346 55

Of which amount one-third is to be allowed to the western Cherokees for their interest in the Cherokee country east, being the sum of $523,782 18, for which the committee recommend an appropriation.

There remain yet to be considered two questions under the treaty of 1846, about which the parties could not agree. They were referred to

the Senate as umpire, and its decision will be final, and become a part of the treaty. The first of these is, whether the amount expended for the one year's subsistence of the eastern Cherokees, after their arrival in the west, should be borne by the United States or by the Cherokee funds; and if by the latter, then, whether subsistence shall be charged at a greater rate than $33 33⅓ per head. In the consideration of this question the committee have found great difficulty in coming to a just conclusion. The inartificial manner in which the treaty of 1835 was drawn, its ambiguity of terms, the variety of construction placed upon it, have led to great embarrassment in arriving at the real intention of the parties. Nor can much additional light be found in the interpretations which it has since received. Upon the whole, the committee are of opinion that the charge should be borne by the United States.

The committee entertain no doubt but that by the strict construction of the treaty of 1835 the expense of a year's subsistence of the Indians after their removal west was a proper charge upon the treaty fund. It was so understood by the government at the time, and as such was enumerated among the expenditures to be charged to that fund in the 15th article of the treaty. In the original *projet* of a treaty which was furnished to the commissioner empowered to treat with the Indians, this item was enumerated among the expenditures, investments, and payments to be provided for in its several articles, and which made up the aggregate sum of $5,000,000 to be paid for the Cherokee country. The Secretary of War, in a letter addressed to John Ross and others, dated ————————, 1836, says that the United States having allowed the full consideration for their country, nothing further would be allowed for expenses of removal and subsistence. This was before the ratification of the treaty, while a memorial was submitted by John Ross and the other delegates against the ratification of the treaty, accompanied by a copy of the original *projet* of the treaty expressly including this charge among those to be borne by the fund. In general, the treaty expressly designates those subjects which constitute or were made independent charges upon the United States. The whole history of the negotiation of this treaty shows that the $5,000,000 was the maximum sum which the United States were willing to pay, and that this was not so much a consideration for the lands and possessions of the Indians, as an indemnity to cover the necessary sacrifices and losses in the surrender of one country and their removal to another. It is understood that this construction formed one of the objections urged by its opponents agains the adoption of the treaty by the Cherokee people. On the other hand, among the circumstances establishing the propriety of a contrary construction, may be mentioned the language in the 8th article of the treaty: "The United States *also* agree and stipulate to remove the Cherokees to their new homes, and to *subsist* them *one year* after their arrival there." This imports pecuniary responsibility, rather than a simple disbursement of a trust fund. In the talk which was sent by President Jackson to the Indians to explain the advantages of the proposed treaty he mentions that the stipulations offered "provide for the removal, *at the expense of the United States*, of your whole people, and for their subsistence a year after their arrival in their new country." It may be

mentioned, also, that such has been the almost invariable policy of this government. The expense of removal and subsistence are the ordinary sacrifices which a simple remuneration for the price of homes does not compensate. The neighboring tribes of the Chickasaws, Choctaws, Creeks, and Seminoles, were removed and subsisted at the expense of the government. It is not, therefore, a source of wonder that a conflicting interpretation of this treaty, pursued through a series of years, should have produced embarrassments, partially relieved by the treaty of 1846; while this, the most obstinate of all, has been left to the final arbitrament of the Senate.

The committee, however, base their opinion upon grounds independent of the treaty of 1835. This treaty, with its supplementary article, was finally ratified on the 23d of May, 1836, and by its provisions the Cherokees were required to remove within two years. The time elapsed 23d May, 1838. It had been concluded, in defiance of the protest of a large majority, with a small minority of the nation, who saw no other escape from threatened ruin. Within that period those who had favored the treaty had mostly emigrated to the west under its provisions. The large majority of the nation, adopting the counsels of John Ross—a man represented as of unlimited influence among them—had obstinately withstood all the efforts of the government of the United States to induce them to adopt the treaty or emigrate under its provisions. Ross and his party had constantly repudiated its obligation, and denounced it as a fraud upon the nation. In the mean time, the United States had appointed its agents under the treaty, and collected a large military force to enforce the execution of the treaty. The State of Georgia had adopted a system of hostile legislation intended to drive them from the country. She had surveyed the country, and disposed of the homes and firesides of the Cherokees by lottery, dispossessed them of their lands, subjected them to her laws, while she disqualified them to hold any political or civil rights. In this posture of affairs the Cherokees, who had never abandoned the vain hope of remaining in the country or obtaining better terms from the United States, through John Ross and others, made new proposals to the United States for the sale of their country and emigration to the west. Still pursuing the idea that they were aliens to the treaty of 1835, and unfettered by its provisions, they proposed to release all claim to their country and emigrate for a named sum of money, in connexion with other conditions, among which was the stipulation that they should be allowed to take charge of their own emigration, and that the United States should pay the expense of their emigration. To avoid the necessity of enforcing the treaty at the point of the bayonet, and to relieve itself of its counter obligations to Georgia by the compact of 1802, and to the Cherokees by the treaties of 1817 and 1819, the proposal was readily acceded to. On the 18th of May, 1838, Mr. Poinsett, then Secretary of War, addressed a reply to the proposals of the Cherokee delegation, in which he says: "If it be desired by the Cherokee nation that their own agents should have the charge of their emigration, their wishes will be complied with, and instructions be given to the commanding general in the Cherokee country to enter into arrangements with them to that effect. With regard to the *expense*

of this operation, which you ask may *be defrayed by the United States*, in the opinion of the undersigned, *the request ought to be granted*, and an application for such further sum as may be required for this purpose shall be made to Congress." The Secretary, under date of June 1, 1838, in explaining to General Scott, then in command in the Cherokee country, why this negotiation had not been transferred to him, says: "No new treaty has been made, nor propositions for a treaty entertained; but it is proposed to make such allowances to the Cherokees *as it is believed* were intended originally by the Senate. If it had been referred to you where you now are, there would have been no influential chiefs on the spot with whom you could have treated. You would not probably have considered yourself authorized to propose the payment of the expenses of their removal and *subsistence*, involving, as it does, so large an amount; and the delay which must have attended the transmission of any arrangement entered into by you, at so great a distance, would have hazarded its successful passage through both branches of Congress." An application was made, and a resolution of the House of Representatives adopted, inquiring how much would be required for that purpose. Mr. Poinsett replies to this resolution on the 25th of May, 1838, in a letter, from which the following is an extract:

"The payment of the expenses of removing the remaining Cherokees, estimated at 15,840, at $30 a head.....	$475,200
"Amount applicable to that purpose.....	39,300
"Balance to be provided for.....	335,900

"If it should be deemed proper to make any further provision for the payment of the *subsistence* of the emigrants for one year after their arrival in the west, it requires—estimating the whole number at 18,335, thereby including those who have already emigrated, and allowing the amount stipulated to be paid by treaty, viz: $33 33 a head—$611,105 55."

These estimates, with a message containing the provisional arrangement with John Ross, were communicated to Congress, and received its sanction by the act of June 12, 1838, in the following language:

"That the sum of $1,047 67 be appropriated out of any money in the treasury not otherwise appropriated, in full for all objects specified in the 3d article of the treaty of 1835 between the United States and the Cherokees; and for the further object of aiding *in the subsistence* of the Indians for one year after their removal west: *Provided*, That no part of the said sum of money shall be deducted from the $5,000,000 stipulated to be paid to said tribe of Indians by said treaty: *And provided further*, That the said Indians shall receive no benefits from said appropriation, unless they shall complete their emigration within such time as the President shall deem reasonable, and without coercion on the part of the government."

Here was a clear legislative affirmation of the terms offered by the Indians and acceded to by the Secretary of War. It was a new contract with the Ross party, outside of the treaty, or rather a new

consideration offered, to abide by its terms. The Secretary of War agrees to consider the expenses of removal and *subsistence*, as *intended* by the treaty of 1835, to be borne by the United States, and Congress affirm his act by providing that no part of the $1,647,067 should be taken from the treaty fund. It was made auxiliary to the $600,000 provided for in the third supplemental article—a fund provided for removal and other expenditures independent of the treaty, and in full for these objects. But as respects *subsistence*, it was *in aid* of the *expense* for that purpose, a discharge *pro tanto* of the obligation of the government to subsist them, and not final satisfaction as in the case of removal. The fund proved wholly inadequate for these purposes. The entire expense of removal and subsistence amounted to $2,952,196 26, of which the sum of $972,844 78 was expended for subsistence, and of this last amount $172,316 47 was furnished to the Indians when in great destitution, upon their own urgent application, after the expiration of the one year, upon the understanding that it was to be deducted from the moneys due them under the treaty. This leaves the net sum of $800,528 31 paid for subsistence, and charged to the aggregate fund. Of this sum the United States provided by the act of 12th June, 1838, for $611,105 55. The committee regard this sum as paid for subsistence; leaving yet unpaid, or rather overcharged, the sum of $189,422 76, to be added to the balance found due, $724,603 37; making in the aggregate the sum of $914,626 13.

By the treaty of August, 1846, it was referred to the Senate to decide, and that decision to be final, whether the Cherokees shall receive interest on the sums found due them from a misapplication of their funds to purposes with which they were not chargeable, and on account of which improper charges their money has been withheld from them. It has been the uniform practice of this government to pay and demand interest in all transactions with foreign governments, which the Indian tribes have always been said to be, both by the Supreme Court and all other branches of our government, in all matters of treaty or contract. The Indians, relying on the prompt payment of their dues under the treaty, in many cases contracted debts upon the faith of it, upon which they have paid or are liable to pay interest. If, therefore, they do not now receive interest on their money so long withheld from them, they will, in effect, have received nothing. Your committee, therefore, think that interest should be allowed at the rate of 5 *per cent. per annum*, from the date of removal until ———.

The committee therefore offer the following resolutions, viz:

Resolved by the Senate of the United States, (as umpire under the treaty of 1846,) That, under the circumstances, the Cherokee nation are entitled to the sum of $189,422 76 for subsistence, being the difference between the amount allowed by the act of June 12, 1838, and the amount actually paid and expended by the United States, and which excess was improperly charged to the treaty fund in the report of the accounting officers of the treasury.

Resolved, That it is the sense of the Senate that interest, at the rate of five per cent. per annum, should be allowed upon the sums found due the "eastern" and "western" Cherokees respectively, from the 12th day of June, 1838, until paid.

Report of the Second Comptroller and Second Auditor of the Treasury, with a statement of the claims of the Cherokee nation of Indians, according to the principles established by the treaty of August, 1846.

TREASURY DEPARTMENT, *December* 3, 1849.

SIR: The proper accounting officers of the treasury having been required, by the joint resolution of the 7th of August, 1848, to make a just and fair statement of the claims of the Cherokee nation of Indians, according to the principles established by the treaty of August, 1846, between the United States and said Indians, do now, as required by said resolution, report that they have caused a full and thorough examination to be made of all the accounts and vouchers of the several officers and agents of the government of the United States, who have disbursed money appropriated to carry into effect the treaty with the Cherokee nation of 1835, and also of the claims that have been admitted at the treasury. As the result of said examination, it appears that there has been paid—

For improvements, the sum of	$1,540,572 27
For ferries, the sum of	159,572 12
For spoliations, the sum of	264,894 09
For removal and subsistence, and commutation therefor, including $2,765 84 expended for goods for the poorer classes of Cherokees, as mentioned in the 15th article of the treaty of 1835–'6; and including, also, necessary incidental expenses of enrolling agents, conductors, commissaries, medical attendance, supplies, &c., the sum of	2,952,196 26
For debts and claims upon the Cherokee nation, the sum of	101,348 31
For the additional quantity of land ceded to said nation, the sum of	500,000 00
For amount invested as the general fund of the nation, the sum of	500,880 00
The "aggregate of which general sums" is	6,019,463 05
And which, being deducted from the sum of	6,647,067 00
agreeably to the directions of the ninth article of the treaty of 1846, leaves a balance of	627,603 95

due to the Cherokee nation.

As it is contended by the agents of the Cherokee nation that sundry items of expenditure embraced in the foregoing statement are not properly chargeable upon the nation under the treaty of 1846, particularly a portion of the incidental expenses connected with the removal, amounting to $96,999 42, the undersigned report herewith a particular statement of those expenses, showing the amount thereof in detail, in order that the question thus raised on the part of the Cherokees may be decided by Congress. Which is respectfully submitted.

ALBION K. PARRIS, *Second Comptroller.*
P. CLAYTON, *Second Auditor.*

To the PRESIDENT *of the Senate of the United States.*

Statement of the claims of the Cherokee nation of Indians, according to the principles established by the treaty of August, 1846, between the United States and said Indians; prepared by the accounting officers in obedience to a resolution of Congress, approved August 7, 1848.

Amount granted to the Cherokees by the first article of the treaty of 1835, for their lands east of the Mississippi			$5,000,000 00
Amount granted by the third article of the supplement			600,000 00
Amount appropriated by Congress for objects specified in the third article of the supplement, per act of June 12, 1838			1,047,067 00
			6,647,067 00
From which deduct amount paid for—			
Improvements		$1,540,572 27	
Ferries		159,572 12	
Spoliations		264,894 09	
Removal and subsistence, and commutation therefor, including $2,765 84 expended for goods for the poorer classes of Cherokees, as mentioned in the fifteenth article of the treaty of 1835–'6; and including, also, necessary incidental expenses of enrolling agents, conductors, commissaries, medical attendance and supplies, &c., viz:			
Removal and subsistence, and commutation therefor	$2,823,192 93		
Physicians, matrons, medicines, hospital stores, &c	32,003 91		
Superintendent of removal	$7,188 70		
Clerk to superintendent of removal	3,985 50		
Interpreter to superintendent of removal	2,706 54		
Disbursing agents	2,725 00		
Conductors	12,097 40		
Interpreters to various agents	16,102 00		
Issuing agents	9,792 40		
Enrolling agents	16,418 50		
Contingent expenses of superintendent and disbursing agent	25,983 38		
		96,999 42	
			2,952,196 26
Debts and claims upon the Cherokee nation, viz:			
National debts, (10th article)		18,062 06	
Claims of United States citizens, &c., (10th article)		61,073 49	
Cherokee committee, (12th article)		22,212 76	
			101,348 31

Amount allowed the United States for the additional quantity of land ceded to said nation	500,000 00	
Amount invested as the general fund of the nation	500,880 00	
		6,019,463 05
Balance due Cherokee Indians		627,603 95